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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ARISTOCRAT TECHNOLOGIES, INC. and
ARISTOCRAT TECHNOLOGIES
AUSTRALIA PTY LTD.,

Plaintiffs/Counterclaim-Defendants,

v.

LIGHT & WONDER, INC., LNW GAMING,
INC., and SCIPLAY CORPORATION,

Defendants/Counterclaim-Plaintiffs.

Case No. 2:24-cv-00382-GMN-MDC

SECOND AMENDED COMPLAINT

JURY DEMAND

1 Aristocrat Technologies, Inc. and Aristocrat Technologies Australia Pty Ltd.
2 (together, “Aristocrat”) bring this second amended complaint for trade secret misappropriation,
3 copyright infringement, trade dress infringement and unfair competition, and deceptive trade
4 practices, with a request for monetary damages, an injunction, and other relief, against Defendants
5 Light & Wonder, Inc., LNW Gaming, Inc., and SciPlay Corporation (together, “L&W”).
6 Aristocrat alleges as follows:

7 INTRODUCTION

8 1. Aristocrat brings this complaint to stop L&W from free-riding on the
9 significant time, effort, and creativity Aristocrat has devoted over many years to developing
10 innovative and award-winning games that bring joy to players around the world.

11 2. Aristocrat makes, markets, sells, and leases electronic gaming machines
12 (“EGMs”). One of its most successful games—in Nevada and worldwide—is Dragon Link.
13 Dragon Link combines innovative and exciting game mechanics, which operate based on complex
14 math models implemented at the code level to create a uniquely compelling player experience,
15 with visually striking imagery and audiovisual effects—centered around an Asian theme—that
16 consumers have come to associate with Dragon Link and Aristocrat.

17 3. Aristocrat has invested substantial time, effort, and creativity in developing
18 and popularizing the gameplay, imagery, audiovisual effects, and logos of Dragon Link and its
19 predecessor, Lightning Link, which is also one of the most popular games in the world.

20 4. Aristocrat owns trade secrets relating to the development and operation of
21 the game mechanics for Dragon Link and Lightning Link, including the underlying math and
22 implementing source code. In addition to the substantial time, effort, and resources that went into
23 its development, the game math for Dragon Link and Lightning Link is the product of significant
24 creativity and innovation, and the continued success of both games many years after their initial
25 release demonstrates that the math is unique, difficult (if not impossible) for others to replicate,
26 and highly valuable.

27 5. Aristocrat also owns copyrights in Dragon Link’s original artwork,
28 animations, and sounds, which help make Dragon Link unique.

1 6. In addition, distinctive aspects of the imagery, effects, logos, and
2 arrangement of game elements create a readily identifiable trade dress that consumers associate
3 with their positive impressions of Dragon Link.

4 7. Unwilling (or unable) to compete fairly with Aristocrat, L&W has engaged
5 in a wide-ranging campaign to copy Dragon Link that coincides with the hiring of multiple former
6 Aristocrat executives and game designers. This campaign began in 2022 with L&W renaming one
7 of its games—from Dragon Unleashed to Dragon Unleashed **Link**—in a transparent attempt to
8 sow confusion with, and trade on Aristocrat’s goodwill in, Dragon Link.

9 8. Later in 2022, L&W released a game, Jewel of the Dragon, that copied
10 (among other things) Dragon Link’s original audiovisual elements and distinctive trade dress,
11 resulting in a game whose artwork, animations, and sounds are strikingly similar to Dragon Link.
12 L&W’s intent was clear: rather than try to develop its own successful game, L&W sought to
13 confuse players about whether L&W’s Jewel of the Dragon game comes from or is related to
14 Aristocrat, whose Dragon Link game consumers know and enjoy.

15 9. But Jewel of the Dragon was a cheap knock-off. Despite copying the
16 graphics, sounds, and trade dress of Dragon Link, and despite including similar game features as
17 Dragon Link, Jewel of the Dragon failed to capture the unique player experience created by the
18 underlying Dragon Link math. So L&W tried to more closely emulate the underlying
19 mathematical design. This effort took the form of a game that L&W released in Australia in 2023,
20 and in the United States in 2024, called Dragon Train.

21 10. L&W’s lead developer for Dragon Train was a former Aristocrat game
22 designer, Emma Charles, who had worked on Dragon Link and Lightning Link and was intimately
23 familiar with the math models on which those games are based. L&W knew when it hired her that
24 Ms. Charles had prior experience with and exposure to Aristocrat’s confidential Dragon Link and
25 Lightning Link game math, yet failed to implement reasonable safeguards to ensure that she would
26 not use that information for L&W. To the contrary, L&W specifically tasked Ms. Charles with
27 developing a game that would directly compete with Dragon Link by utilizing the same or a
28 substantially similar mathematical design. The resulting Dragon Train game, which L&W

1 developed using Ms. Charles's knowledge about how Dragon Link and Lightning Link work and
2 documents taken from Aristocrat, provides a very similar gameplay experience as Dragon Link
3 and appears to have significant similarities to the Dragon Link math—similarities that seemingly
4 cannot be explained by any legitimate reverse engineering or independent development.

5 11. Dragon Train has enjoyed considerable success in Australia, and, even after
6 Aristocrat commenced the present action, L&W launched and continued to aggressively
7 commercialize the game in the United States, in an attempt to harm Aristocrat's strong market
8 position as well as its reputation as an innovator. Even after the Court preliminary enjoined
9 commercialization of the original Dragon Train game, L&W has continued to knowingly reap the
10 benefits of its misappropriation, including by developing replacement, follow-on, or other new
11 versions of Dragon Train games, such as online free-to-play game called Dragon Train Grand
12 Central, that seek to capitalize on the brand recognition, goodwill, and reputational benefits that
13 L&W improperly acquired via the original game.

14 12. L&W's misappropriation of Aristocrat trade secrets extends well beyond
15 the use of confidential Aristocrat math information to develop Dragon Train. Aristocrat's
16 information has been widely disseminated throughout L&W and has been used by L&W
17 employees to develop other games, including, but not limited to, Jewel of the Dragon, Double
18 Dragon, and at least one unreleased game.

19 13. Through this course of action, L&W has (1) misappropriated Aristocrat's
20 trade secrets in violation of the Defend Trade Secrets Act, 18 U.S.C. § 1836, and the Nevada
21 Uniform Trade Secrets Act, Nev. Rev. Stat. § 600A.030; (2) infringed Aristocrat's copyright in
22 the audiovisual elements of Dragon Link in violation of the Copyright Act, 17 U.S.C. § 101 *et*
23 *seq.*; (3) infringed Aristocrat's federal trade dress and related rights in Dragon Link, and thereby
24 committed unfair competition and false designation of origin, in violation of the Lanham Act, 15
25 U.S.C. § 1051 *et seq.*; and (4) engaged in deceptive trade practices in violation of Nevada Revised
26 Statutes §§ 41.600 & 598.0915. L&W's misappropriation, infringement, and deceptive acts
27 undermine Aristocrat's significant investment in its intellectual property and irreparably harm
28

1 Aristocrat's brand and its relationship with customers and players. L&W should be enjoined, and
2 Aristocrat should be awarded full monetary relief.

3 JURISDICTION AND VENUE

4 14. This Court has original jurisdiction over Aristocrat's claims pursuant to
5 15 U.S.C. § 1121, 17 U.S.C. § 501, 18 U.S.C. § 1836, and 28 U.S.C. §§ 1331 and 1338. The Court
6 also has supplemental jurisdiction over Aristocrat's state law claims under 28 U.S.C. § 1367(a).

7 15. L&W is subject to personal jurisdiction within the District of Nevada
8 because it conducts business in, has a principal place of business in, is incorporated in, and resides
9 in, this District. In addition, L&W has committed acts of infringement, unfair competition, and
10 deceptive trade practices in this District.

11 16. Venue is proper under 28 U.S.C. §§ 1391(b) and (c) because, on information
12 and belief, all or a substantial part of the events or omissions giving rise to Aristocrat's claims
13 occurred in the District of Nevada. Venue is also proper under 28 U.S.C. § 1400(a) with respect
14 to Aristocrat's claims for copyright infringement because L&W may be found in this District and
15 is subject to personal jurisdiction in this District.

16 THE PARTIES

17 17. Aristocrat Technologies, Inc. ("ATI") is a Nevada corporation with its
18 principal place of business at 10220 Aristocrat Way, Las Vegas, Nevada 89135.

19 18. Aristocrat Technologies Australia Pty Ltd. ("ATA") is an Australian
20 corporation with its principal place of business at Building A, Pinnacle Office Park, 85 Epping
21 Road, North Ryde, New South Wales, Australia 2113.

22 19. On information and belief, Light & Wonder, Inc. is a gaming company
23 based at 6601 Bermuda Road, Las Vegas, Nevada 89119.

24 20. On information and belief, LNW Gaming, Inc. is a gaming company based
25 at 6601 Bermuda Road, Las Vegas, Nevada 89119. On information and belief, LNW Gaming,
26 Inc. is a wholly owned subsidiary of Light & Wonder, Inc.

1 21. On information and belief, SciPlay Corporation is a digital gaming
2 company based at 6601 Bermuda Road, Las Vegas, Nevada 89119. On information and belief,
3 SciPlay Corporation is a wholly owned subsidiary of Light & Wonder, Inc.

4 22. On information and belief, L&W manufactures, uses, distributes, offers,
5 provides, and sells or leases gaming machines, servers, systems, websites, online apps, and
6 supporting software, in Nevada and elsewhere in the United States.

7 **FACTS ENTITLING ARISTOCRAT TO RELIEF**

8 **A. Aristocrat and Its Dragon Link Product**

9 23. Aristocrat is a leading provider of games, gaming machines, social gaming
10 apps, games accessible in real-money online gaming apps, and casino management systems.
11 Aristocrat's product portfolio includes gaming machines with mechanical reels, EGMs with video
12 displays, and digital games featured in social gaming apps and real-money gaming apps. EGMs
13 run on sophisticated computer programs that, among other things, implement the underlying game
14 math and control the mechanics of the game, the display of graphics and animations, and the play
15 of music and sound effects associated with various game features. These programs let developers
16 like Aristocrat create unique gaming experiences for their customers.

17 24. One of Aristocrat's most successful games is Dragon Link. Released in the
18 United States in 2017, Dragon Link is the successor to Lightning Link, an earlier family of
19 Aristocrat games that pioneered many of the key features present in both games. Both Lightning
20 Link and Dragon Link are multi-denomination, meaning players can choose different amounts to
21 bet, and linked progressive jackpot games, meaning that each EGM with the game installed is part
22 of a network of EGMs that all contribute to a total jackpot accumulated by multiple players. Both
23 Lightning Link and Dragon Link are among the most successful games Aristocrat has ever
24 released, and both have been flagships for Aristocrat in terms of popularity and commercial
25 performance around the world.

26 25. When it launched in 2014, Lightning Link introduced to the gaming market
27 an innovative "Hold & Spin" bonus feature that offers players free spins during which symbols
28 with designated prize amounts are collected and counted on screen. This "Hold & Spin" feature

1 was unique to Lightning Link when first released and has since been imitated by many other games
2 in the industry because of its proven success for Aristocrat.

3 26. The popularity of this and other unique gameplay features in Lightning Link
4 proved enduring, spanning four initial game themes and several new themes, or game titles, that
5 Aristocrat later released under the Lightning Link umbrella brand.

6 27. Dragon Link features similar gameplay to Lightning Link, is based on
7 similar underlying math models, and incorporates—and expands upon—many of the signature
8 features that made Lightning Link so popular, including its jackpot tiers and the signature “Hold
9 & Spin” feature. Dragon Link enjoyed exceptionally strong uptake in both the United States and
10 international markets, spanning a collection of ten Asian-themed games that are all built on the
11 successful formula first developed in Lightning Link. Dragon Link remains Aristocrat’s highest-
12 performing game to this day.

13 28. When Dragon Link is installed on an EGM, the cabinet—which contains
14 the electronics that run the game’s software and the displays players see and interact with when
15 playing or deciding whether to play the game—prominently shows certain design features and
16 layouts that make Aristocrat’s Dragon Link EGMs recognizable and inherently distinctive across
17 all ten game titles.

18 29. These distinctive design features include the DRAGON LINK logos. These
19 logos appear on a rectangular landscape topper above the various displays that comprise the
20 gaming cabinet used for the DRAGON LINK game, as well as on signage used in connection with
21 the game. The primary variation of the DRAGON LINK logo (the “Dragon Link Standard Logo”)
22 consists of the words DRAGON LINK in a red-to-black fade, superimposed on a gold orb with a
23 bright, fiery outline, ringed with flames. Below is an image of the Dragon Link Standard Logo:



30. The primary game display for Dragon Link has multiple uses.¹ The lower portion of the display shows the reels on which the games are played. The upper portion of the display features a screen that incorporates the DRAGON LINK name and shows the game's jackpots and bonuses (the "Dragon Link Jackpot Display"). The features of the Dragon Link Jackpot Display are:

- An animated DRAGON LINK logo in which a red flame flares through the DRAGON LINK wording.
- A tiered list of gaming jackpots and bonuses, which appear below the DRAGON LINK name.
- Each list level is outlined on each side by the same gold orb with a bright, fiery outline that appears on the Dragon Link Standard Logo, with the words GRAND, MAJOR, MINOR, and MINI (for jackpot sizes).
- The prize amounts of each jackpot appear in the same color as their corresponding jackpot title (for example, the word GRAND for the grand jackpot is red, so the prize for the grand jackpot is also red).
- Each jackpot prize amount appears against a black background.
- The names of the jackpots and the prize amounts are outlined in gold.
- All of the foregoing elements are set in front of a background that fades to black at the top of the display where the DRAGON LINK name appears.

¹ Dragon Link is offered in multiple types of cabinets, including a cabinet with a single large, concave display (the "Arc" cabinet) and a cabinet that includes two smaller displays, one above the other. This amended complaint includes images from the Arc cabinet, but the gameplay and audiovisual elements are substantially similar regardless of the cabinet on which the game appears, giving all versions of the game a consistent look and feel.

These elements are visible in the image below:



31. Gold orb designs (the “Dragon Link Orb Design”) appear consistently throughout the following aspects of the Dragon Link games: behind the Dragon Link Standard Logo on the landscape topper, around the jackpot amounts on the Dragon Link Jackpot Display, as bonus symbols in the base game, as bonus symbols in the Dragon Link “Hold & Spin” bonus feature (the “Dragon Link Hold & Spin Bonus Feature”), and directly above the reels in the Dragon Link Hold & Spin Bonus Feature. These instances of the Dragon Link Orb Design are all visually similar. All are gold, are surrounded by a bright, fiery outline around the orb’s circumference.

32. The Dragon Link Hold & Spin Bonus Feature allows players to accumulate bonus symbols in a series of free spins. These bonus symbols display either a credit value or one of the game’s jackpots inside a gold orb with a bright, fiery outline, surrounded by an additional ring of fire. The appearance of six or more bonus symbols on a single spin in the base game triggers the Dragon Link Hold & Spin Bonus Feature, which awards the player three free spins. During the bonus feature, the symbols that triggered the bonus, along with any additional bonus symbols collected during the bonus, are held in place on each spin. Any additional bonus symbols that are collected during the bonus reset the number of free spins to three.

33. The upper display in the Dragon Link Hold & Spin Bonus Feature contains a large gold orb with a bright, fiery outline that says “HOLD & SPIN” when the bonus is first activated, and then when the bonus game is in progress, the orb includes a count of the bonus symbols, along with the message “15 WIN GRAND JACKPOT.” Each time a bonus symbol

appears on the reels, flames flare around the bonus symbol on the lower display and around the gold orb on the upper display.

34. An image of the Dragon Link Hold & Spin Bonus Feature when first triggered is below, left, and an image of the Dragon Link Hold & Spin Bonus Feature in progress is below, right.



35. At the end of the bonus game, a flame flares out of each bonus symbol and flies along a curving trajectory towards a meter on the upper display that keeps track of the total credits won, activating a gong sound when the flame hits the meter. Directly above the meter is the word “WINNER,” which appears in a similar font and with a similar red-to-black gradient as the Dragon Link Standard Logo. After all the bonus awards have been tallied, animated coins appear to fly upward from the bottom display. This animation is referred to as a “Coin Shower.” The images below left and center show the flame flare effect when bonus symbols are tallied, while the image below right shows the Coin Shower at the bonus game’s conclusion.



36. The presentation of the Dragon Link Hold & Spin Bonus Feature contains several fanciful and arbitrary design aspects that distinguish the bonus feature from those of competitors and allow consumers easily to recognize a Dragon Link game, whether on the casino floor, online, or elsewhere. These design aspects consist of the following: the use of the Dragon Link Orb Design as a bonus symbol, the appearance of a single large Dragon Link Orb Design directly above the reels, the flame flares that burst out of the bonus symbols when the bonus amounts are tallied, the gong sound that plays when the bonus amounts are tallied, and the Coin Shower at the conclusion of the bonus feature (together, these elements are the “Dragon Link Hold & Spin Design”).

37. The Dragon Link games are also available in digital format on various mobile applications (*i.e.*, apps). Users can download free-to-play versions of Dragon Link to their mobile phones, to play and win virtual tokens. Mobile applications where Dragon Link can be played include Heart of Vegas, Cashman Casino, Lightning Link, and Mighty Fu Casino, which together have been downloaded by over 25 million users. The gameplay features and audiovisual elements that appear in the Dragon Link digital games are materially the same as those that appear in the Dragon Link EGMs.

38. The game mechanics of the Dragon Link series embody Aristocrat’s trade secret information, including without limitation the underlying game math and functionality that

1 control the gameplay and the timing, frequency, and amount of payouts in both the base game and
2 the bonuses (*e.g.*, the Dragon Link Hold & Spin Bonus Feature).

3 39. For example, the game math and functionality includes, among other things,
4 the composition and operation of reel strips, symbols, and other game features; the combinations,
5 pathways, and probabilities for winning or triggering particular outcomes (*e.g.*, activation of the
6 “Hold & Spin” feature); the assignment of payouts per win; the magnitude of risk or potential
7 reward associated with the game (*i.e.*, volatility); and the percentage of wagered money returned
8 to players (*i.e.*, “return to player” or “RTP”). The game math and functionality also include
9 Aristocrat’s proprietary implementation of the “Hold & Spin” bonus game, which relies on unique
10 and complicated math models. These and other trade secrets, including the source code that
11 implements the game math and functionality, contribute to the overall excitement, experience, and
12 “feel” of playing a game and are integral to the game’s commercial success.

13 40. As noted above, Dragon Link includes similar gameplay features as
14 Lightning Link and is based on similar math models. Aristocrat invested considerable time, effort,
15 and resources in developing the underlying game math and functionality for the Dragon Link and
16 Lightning Link games. The development of Lightning Link took a substantial amount of time, in
17 part because of the complexity of the math.

18 41. The underlying game math and functionality also reflect significant
19 creativity and innovation on the part of Aristocrat. In developing Lightning Link and Dragon Link,
20 the team of Aristocrat game designers made innumerable choices resulting in the creation of unique
21 and innovative techniques for implementing the game mechanics and features (*e.g.*, the “Hold &
22 Spin” feature), including, for example, innovative techniques for controlling probabilities and the
23 volatility of the game.

24 42. This information is not generally known to the public or in the industry. It
25 is also particularly complex—even compared to other casino games—and cannot be ascertained
26 through proper means (including reverse engineering) from merely observing or playing the games
27 themselves, as illustrated by the fact that many companies have tried and failed to mimic the
28 signature gameplay elements of Dragon Link and Lightning Link over time. For example, IGT’s

1 Fireball game, and L&W's Dragon Unleashed, Kraken Unleashed, and Jewel of the Dragon games,
2 utilized similar features—including their own versions of a “Hold & Spin” feature—but failed to
3 replicate the uniquely appealing “feel” and commercial success of Dragon Link and Lightning
4 Link. Both Dragon Link and Lightning Link have been successful in part because competitors do
5 not know, and cannot emulate through proper means, the underlying math and functionality of the
6 games.

7 43. Aristocrat owns all rights in and to the confidential and trade secret
8 information associated with Dragon Link's and Lightning Link's underlying game math,
9 functionality, and source code. Since the secrecy of this information is integral to the continued
10 commercial success and competitive advantage of these games, Aristocrat keeps the information
11 highly confidential and subject to tight controls and protections even within the company.

12 44. For example, Aristocrat has adopted strict practices, policies, and
13 procedures to protect its trade secrets, including by requiring employees and contractors to enter
14 into written agreements setting forth material obligations and restraints (which continue even after
15 termination) against the unauthorized disclosure or use of Aristocrat's confidential and proprietary
16 information. Aristocrat also provides employees with regular training and has implemented
17 physical and technical security measures designed to secure and safeguard its intellectual property,
18 including trade secrets. Aristocrat's security measures include system access restrictions tailored
19 to specific personnel, mandatory passwords, and an internal policy prohibiting the use of any
20 devices or equipment that have not been authorized for use by Aristocrat or that do not meet
21 Aristocrat's technical security requirements. Aristocrat has also regularly taken legal action to
22 enforce its intellectual property rights throughout the world, including in numerous proceedings in
23 recent years in the United States and Australia.

24 45. The audiovisual elements of the Dragon Link games (the “Dragon Link
25 Audiovisual Elements”) are original works of authorship entitled to copyright protection. The
26 Dragon Link Audiovisual Elements include, but are not limited to, original artwork, animations,
27 and computer-generated graphics that appear on the game displays, along with original sounds that
28 are played on the game speakers. Examples of the Dragon Link Audiovisual Elements are

1 described and shown herein. Unless otherwise noted, these examples are present in all of the
2 individual Dragon Link game titles.

3 46. Aristocrat owns the copyright in the Dragon Link Audiovisual Elements and
4 has obtained copyright registrations covering at least certain of those elements. *See* Ex. A. More
5 particularly, the copyright in the Dragon Link Audiovisual Elements is assigned to ATA, which
6 has granted an exclusive license to ATI for use in the United States. This copyrighted work was
7 first published in Australia.

8 47. The combined design elements of the Dragon Link Standard Logo, Dragon
9 Link Jackpot Display, Dragon Link Orb Design, and Dragon Link Hold & Spin Design
10 (collectively, the “Dragon Link Trade Dress”), make the Dragon Link games instantly
11 recognizable to consumers and are protected as trade dress.² Consumers encounter the collection
12 of features comprising the Dragon Link Trade Dress when they view and interact with the Dragon
13 Link games, and recognize and rely on the Dragon Link Trade Dress as a distinctive indicator of
14 source separate from the underlying game mechanics. The Dragon Link Trade Dress is present
15 across all ten of the Dragon Link game titles and is readily visible together on casino floors, in
16 online videos, in advertising, on websites and social media, and elsewhere.³

17 48. Aristocrat owns the Dragon Link Trade Dress and has used it exclusively
18 and continuously in commerce in Australia since at least 2016, and in the United States since at
19 least 2017. More particularly, all U.S. rights in the Dragon Link Trade Dress either are owned by
20 ATI or are owned by ATA and exclusively licensed to ATI.

21 49. Each component of the Dragon Link Trade Dress is fanciful, arbitrary and
22 non-functional. The Dragon Link Standard Logo is a design whose sole function is to identify the
23 Dragon Link product. The Dragon Link Orb Design is a design element that provides the Dragon
24

25 ² The individual elements of the Dragon Link Trade Dress, as well as other aspects of the Dragon
26 Link games, may be protected under trademark and trade dress law. Aristocrat reserves the right
in other cases or as to other parties to rely on other aspects of its rights.

27 ³ The Dragon Link Audiovisual Elements include many audiovisual elements that are not part of
28 the Dragon Link Trade Dress—*e.g.*, reel symbols in the base game, music, messages and other
text that appear on the displays, and screen layout and other user interface elements.

1 Link games with a consistent, recognizable look and feel across its various titles. And the Dragon
2 Link Jackpot Display and Dragon Link Hold & Spin Design are each comprised of an interwoven
3 collection of fanciful and arbitrary elements that contribute to the Dragon Link games' distinctive
4 look and feel. None of these elements is essential to the operation or design of a slot machine
5 game—to the contrary, each element represents just one of countless design options available to
6 distinguish competing games. Indeed, Aristocrat's competitors use a wide variety of alternative
7 design elements for their competing games.

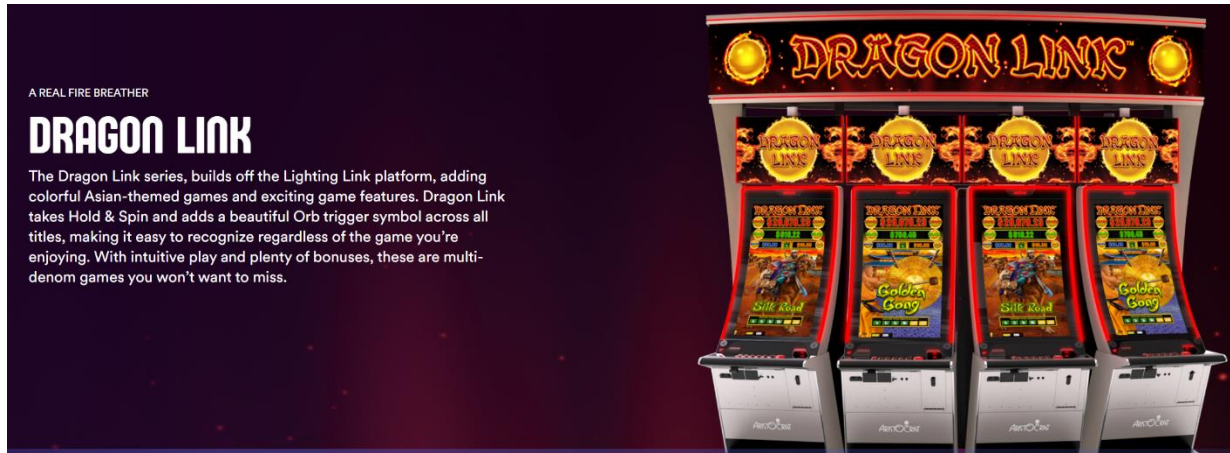
8 50. Because the Dragon Link Trade Dress is a fanciful, arbitrary, and non-
9 functional manner of packaging the Dragon Link games, the Dragon Link Trade Dress is inherently
10 distinctive and has become an indicator that the product is made by Aristocrat.

11 51. Even if the Dragon Link Trade Dress were not inherently distinctive, it has
12 acquired distinctiveness through its widespread use and success and its association with Aristocrat.
13 Dragon Link has achieved worldwide popularity, and Aristocrat's advertising and promotional
14 efforts for Dragon Link heavily feature the Dragon Link Trade Dress. Dragon Link has achieved
15 widespread public recognition of its distinctive trade dress, as well as critical acclaim in the
16 industry. Players recognize the Dragon Link Trade Dress across Dragon Link game titles, and
17 look for the Dragon Link Trade Dress they have previously seen when they return to casinos and
18 gaming mobile applications. Aristocrat has heavily invested in the marketing of Dragon Link, and
19 the industry and customers have come to recognize the Dragon Link Trade Dress as deriving from
20 a single source and serving as identifiers of the Dragon Link game series.

21 52. Aristocrat has made enormous investments in developing and marketing its
22 Dragon Link games and expended resources fostering the reputation, recognition, and goodwill
23 associated with the games. This includes millions of dollars spent on various marketing avenues,
24 including social media advertising, online search advertising, player promotion partnerships,
25 casino promotion partnerships, and apparel promotions. Aristocrat's advertising for Dragon Link
26 prominently features the Dragon Link Trade Dress elements. See, for example, the following two
27 images of promotions at Wheeling Island Casino, West Virginia, featuring the Dragon Link
28 Standard Logo and Dragon Link Orb Design:



53. Similarly, Aristocrat uses the Dragon Link Trade Dress to advertise its Dragon Link games, as seen in the following screenshot of Aristocrat's website⁴:



54. As shown above, the website specifically mentions the “beautiful Orb trigger symbol,” which “mak[es] it easy to recognize regardless of the game you’re enjoying.”

55. As a result of Aristocrat's investments in development and marketing, Dragon Link has been very successful around the world, including in the United States and Nevada in particular. There currently are thousands of Dragon Link EGMs available in casinos across more than 35 states, including Nevada.

56. Since its launch, Dragon Link has received a significant amount of publicity, including awards and recognition of the game as a unique industry-leading product. These awards include *Casino Journal's* Top 20 Most Innovative Gaming Technology Awards for

⁴ See Aristocrat, *Dragon Link*, ARISTOCRAT GAMING (last visited February 24, 2024), <https://www.aristocratgaming.com/us/slots/game-groups/dragon-link>.

2016,⁵ the EKG Slot Awards Top Performing Premium Game for the years 2021⁶ and 2022,⁷ the EKG Slot Awards Top Performing Proprietary Branded Game for the years 2021⁸ and 2023,⁹ and the EKG Slot Awards Top Performing New Premium Game for 2022 (for a new Dragon Link game variation).¹⁰ ReelMetrics, a data science and market research firm, found that Dragon Link games were the top five best performing premium slot games on the market.¹¹ Seminole Casino

⁵ See Marketwired, *Aristocrat's New Dragon Link(TM) and Fast Cash(TM) Slot Games Named to Casino Journal's Top 20 Most Innovative Gaming Technology Products List*, YAHOO FINANCE (Mar. 28, 2017), https://finance.yahoo.com/news/aristocrats-dragon-tm-fast-cash-151843771.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guc_e_referrer_sig=AQAAADQpSUO4mG8-gIIP8afGkJfD_cBocLHO2z67hlyC1oF4M02a-ZQOX3XNSVDIT5Vzh6MKsUPPETLkO0YFezWsuHo3Xujjt_gqES452vU0p_Ldzv7_crXulFeJzDh783vIXIOxGfozXoyNITJiwf65OHZ0Ozy0YQBz326rxBNfo5eW (Ex. B at 1–2).

⁶ See *Aristocrat Gaming™ Repeats "Best Overall Supplier of Slot Content" Win at EKG Slot Awards*, PR NEWswire (Apr. 7, 2021), <https://www.prnewswire.com/news-releases/aristocrat-gaming-repeats-best-overall-supplier-of-slot-content-win-at-ekg-slot-awards-301264528.html> (Ex. C at 1–3).

⁷ See *Aristocrat Gaming™ Three-peats "Best Overall Supplier of Slot Content" Win at EKG Slot Awards*, PR NEWswire (Mar. 7, 2022), <https://www.prnewswire.com/news-releases/aristocrat-gaming-three-peats-best-overall-supplier-of-slot-content-win-at-ekg-slot-awards-301496886.html> (Ex. D at 1–2).

⁸ See *Aristocrat Gaming™ Repeats "Best Overall Supplier of Slot Content" Win at EKG Slot Awards*, PR NEWswire (Apr. 7, 2021), <https://www.prnewswire.com/news-releases/aristocrat-gaming-repeats-best-overall-supplier-of-slot-content-win-at-ekg-slot-awards-301264528.html> (Ex. C at 3).

⁹ See PR Newswire, *Casino Industry Experts Honor Aristocrat Gaming™ with "Best Overall Supplier" at EKG Slot Awards*, YAHOO FINANCE (Mar. 1, 2023), <https://finance.yahoo.com/news/casino-industry-experts-honor-aristocrat-140000033.html> (Ex. E at 1–2).

¹⁰ See *Aristocrat Gaming™ Three-peats "Best Overall Supplier of Slot Content" Win at EKG Slot Awards*, PR NEWswire (Mar. 7, 2022), <https://www.prnewswire.com/news-releases/aristocrat-gaming-three-peats-best-overall-supplier-of-slot-content-win-at-ekg-slot-awards-301496886.html> (Ex. D at 1).

¹¹ See *Aristocrat Gaming Keeps On Leading the Way In Core and Premium Slots*, G&M NEWS (Jan. 27, 2023), <https://g-mnews.com/en/aristocrat-gaming-keeps-on-leading-the-way-in-core-and-premium-slots/> (Ex. F at 4).

1 Hotel Immokalee opened a lounge dedicated exclusively to Dragon Link and Lightning Link,
2 recognizing that Dragon Link is one of “the most popular games in the industry.”¹²

3 57. Much of this publicity explicitly highlights the Dragon Link Audiovisual
4 Elements and the Dragon Link Trade Dress. For example, *Casino Review*, in recognizing Dragon
5 Link’s player interest and awards, declared that Dragon Link “is breathing a fire of excitement on
6 casino floors across North America”—a reference to the various Dragon Link audiovisual
7 elements that incorporate fire imagery and graphics.¹³ *Casino Review* further recognized that
8 Dragon Link’s “orb” graphic element “makes it simple for players to easily recognise the Hold &
9 Spin trigger across all game themes.”¹⁴ Similarly, another article, noting Dragon Link’s “premium
10 appeal,” specifically pointed to its “common trigger symbol,” which “makes it easy for players to
11 recognize the Hold & Spin mechanic, regardless of which [Dragon Link] game they are
12 enjoying.”¹⁵ And another article touted Dragon Link’s “rich audio-visual elements,” including
13 noting that its bonus feature “fires up the entire screen in a frenzy of glittering golden pyrotechnics”
14 and that the “musical score and in-game mechanics perfectly complement the action.”¹⁶

15 58. Dragon Link’s popularity has expanded worldwide. One publication,
16 covering Dragon Link’s expansion into Manila, specifically noted the game’s “phenomenal
17
18
19

20 ¹² See *Seminole Casino Hotel Immokalee Opens Florida’s First Aristocrat Lightning Link*
21 *Lounge*, INDIAN GAMING (Dec. 15, 2022), [https://www.indiangaming.com/seminole-casino-](https://www.indiangaming.com/seminole-casino-hotel-immokalee-opens-floridas-first-aristocrat-lightning-link-lounge/)
22 [hotel-immokalee-opens-floridas-first-aristocrat-lightning-link-lounge/](https://www.indiangaming.com/seminole-casino-hotel-immokalee-opens-floridas-first-aristocrat-lightning-link-lounge/) (Ex. G at 1).

23 ¹³ See *Aristocrat’s Dragon Link™ Flies Into North America*, CASINO REVIEW (December 21,
24 2017) (Ex. H at 1).

25 ¹⁴ *Id.* at 2.

26 ¹⁵ See Marketwired, *Aristocrat’s New Dragon Link(TM) and Fast Cash(TM) Slot Games Named*
27 *to Casino Journal’s Top 20 Most Innovative Gaming Technology Products List*, YAHOO FINANCE
28 (Mar. 28, 2017), [https://finance.yahoo.com/news/aristocrats-dragon-tm-fast-cash-](https://finance.yahoo.com/news/aristocrats-dragon-tm-fast-cash-151843771.html?guccounter=1)
[151843771.html?guccounter=1](https://finance.yahoo.com/news/aristocrats-dragon-tm-fast-cash-151843771.html?guccounter=1) (Ex. I at 1).

¹⁶ See 888 Casino, *What’s Hot About Dragon Link Slot*, CASINO BLOG (July 14, 2020),
<https://us.888casino.com/blog/dragon-link-slot> (Ex. J at 1–2).

1 success” globally.¹⁷ And as the trade publication *Gaming America* concluded, “Dragon Link is
2 one of the most popular slot games in the world.”¹⁸

3 59. As a result of Dragon Link’s popularity, many casinos in the United States
4 explicitly advertise the fact that they carry Dragon Link slot machines to attract customers. Such
5 casinos have included Seminole Hard Rock Hotel & Casino of Tampa,¹⁹ Hollywood Casino at
6 Kansas Speedway,²⁰ Seminole Casino Coconut Creek,²¹ Plainridge Park Casino,²² and Bristol
7 Casino.²³

8 60. Dragon Link is an extremely valuable asset for Aristocrat—and Aristocrat
9 continues to invest in the brand. In response to Dragon Link’s immense popularity, Aristocrat
10 continues to develop new Dragon Link games and variations, all of which employ the core aspects
11 of the Dragon Link Trade Dress that make the game so easily recognizable to and popular with
12 customers.

13 61. Because of Dragon Link’s widespread success, consumers recognize the
14 Dragon Link Trade Dress and favorably associate it with Aristocrat. This contributes to
15 Aristocrat’s goodwill and reputation. For instance, on a discussion forum on Vegas Fanatics, a
16 user posted a video of themselves playing Dragon Link with the caption “Some HUGE ORBS with
17

18 ¹⁷ Ben Blaschke, *Chasing the Dragon*, INSIDE ASIAN GAMING (July 28, 2022),
19 <https://www.asgam.com/index.php/2022/07/28/chasing-the-dragon/> (Ex. K at 3).

20 ¹⁸ *Product Review: Dragon Link \$1m Slot by Aristocrat*, GAMING AMERICA (Jan. 16, 2023),
21 <https://gamingamerica.com/magazine/6852/product-review-dragon-link-1m-slot-by-aristocrat>
(Ex. L at 3).

22 ¹⁹ *See Slots*, SEMINOLE HARD ROCK TAMPA (last visited February 24, 2024),
23 <https://www.seminolehardrocktampa.com/casino/slots>.

24 ²⁰ *See Casino*, HOLLYWOOD CASINO AT KANSAS SPEEDWAY (last visited February 24, 2024),
25 <https://www.hollywoodcasinokansas.com/casino/slots>.

26 ²¹ *See Slots*, SEMINOLE CASINO COCONUT CREEK (last visited February 24, 2024),
27 <https://www.seminolecoconutcreekcasinoc.com/casino/slots>.

28 ²² *See Casino*, PLAINRIDGE PARK CASINO (last visited February 24, 2024),
<https://www.plainridgeparkcasino.com/casino/slots>.

²³ *See Slots*, BRISTOL CASINO (last visited February 24, 2024),
<https://www.hardrockhotelcasinobristol.com/casino/slots>.

live play! . . . #Aristocrat.”²⁴ “HUGE ORBS” here appears to refer to the “orbs” that form a prominent visual element of the Dragon Link Trade Dress.

62. Similarly, *This Week in Gambling*, a gambling news website, posted a video publicizing Dragon Link titled “Dragon Link Slot Bank from Aristocrat.”²⁵ The video informs viewers that “Aristocrat’s new Dragon Link slot bank has been named to Casino Journal’s list of the Top 20 Most Innovative Gaming Technology Products for 2016.”

63. Likewise, a *Gaming America* review of Dragon Link wrote “Aristocrat breathes (fiery) new life into high denomination slots,” and said that “Aristocrat’s Dragon Link jackpot brand has long been a favorite among slot machine fanatics.”²⁶

64. The Dragon Link Trade Dress is thus well known by consumers and serves as indication to consumers of the source of the Dragon Link games.

B. L&W’s Repeated Efforts to Copy Dragon Link

65. L&W competes with Aristocrat. On information and belief, L&W is aware of Dragon Link’s success and has targeted it in designing competing products. But instead of creating its own unique games to compete with Aristocrat’s games, L&W has copied the name, appearance, sounds, and gameplay of Aristocrat’s Dragon Link in a series of L&W games, including Dragon Unleashed Link, Jewel of the Dragon, and Dragon Train.

66. In its Annual Financial Report for the year ended December 31, 2021, L&W reported that it was shifting away from lottery and sports betting businesses in order to focus on gaming. *See* Ex. O at 8. In the same report, L&W stated that “the gaming machine sector is highly competitive,” and identified Aristocrat as one of its primary competitors. *Id.* at 9.

²⁴ *Holy! Huge Orbs! Dragon Link Golden Century Live Play*, VEGAS FANATICS (Sep. 28, 2019), <https://vegasfanatics.com/index.php?threads/holy-%E2%98%80EF%B8%8Fhuge-orbs-%E2%98%80EF%B8%8F-dragon-link-golden-century-live-play.7018/> (Ex. M at 1).

²⁵ *Dragon Link Slot Bank From Aristocrat*, THIS WEEK IN GAMBLING (Apr. 5, 2017), <https://www.thisweekingambling.com/dragon-link-slot-bank-aristocrat/> (Ex. N at 1).

²⁶ *Product Review: Dragon Link \$1m Slot by Aristocrat*, GAMING AMERICA (Jan. 16, 2023), <https://gamingamerica.com/magazine/6852/product-review-dragon-link-1m-slot-by-aristocrat> (Ex. L at 2).

67. This shift has coincided with L&W's hiring of a number of former Aristocrat executives and game designers. As *Global Gaming Business Magazine* recognized, since 2020 L&W has hired "many executives . . . who formerly were with Aristocrat."²⁷ These executives include Jamie Odell, Executive Chairman of L&W, formerly CEO of Aristocrat; Matt Wilson, Director and CEO of L&W, formerly President and Managing Director, Americas, at Aristocrat; Toni Korsanos, Executive Vice-Chair of L&W, formerly Chief Financial Officer and Head of Strategy at Aristocrat; Siobhan Lane, Executive Vice President and CEO of Gaming of L&W, formerly Senior Vice President of Marketing and Gaming Operations at Aristocrat; Ted Hase, Senior Vice President, Game Design, of L&W, formerly Senior Vice President of R&D at Aristocrat; Victor Blanco, Chief Technology Officer of L&W, formerly Chief Technology Officer of Aristocrat; Oliver Chow, Chief Financial Officer of L&W, formerly Chief Financial Officer, Americas, of Aristocrat; Anthony Firmani, Chief Operations Officer of L&W, formerly Senior Vice President, Operations, at Aristocrat; and Nathan Drane, Senior Vice President, Global Product Management, at L&W, formerly Vice President, Commercial Strategy, at Aristocrat.

68. In addition to these former employees, Rich Schneider joined L&W as Chief Product Officer in July 2021, hired directly from his job as Chief Product Officer of Aristocrat. Mr. Schneider's L&W biography states that he "oversees L&W's land-based gaming product strategy,"²⁸ which, on information and belief, includes the Jewel of the Dragon slot machine. Mr. Schneider's biography also states that he was hired because of his "product expertise," including from his experience at Aristocrat, where he held the same role. Based on his experience, Mr. Schneider "knows what makes a good game." Mr. Schneider was Chief Product Officer of Aristocrat when Dragon Link was developed, and he has firsthand knowledge of Dragon Link's and Lightning Link's success and features.

²⁷ Frank Legato, *Light & Wonder*, GLOBAL GAMING BUSINESS MAGAZINE (Sep. 27, 2022), <https://ggbmagazine.com/article/light-wonder-2/> (Ex. P at 2).

²⁸ *Rich Schneider*, LIGHT & WONDER (last visited February 24, 2024), <https://explore.lnw.com/about/our-leadership/rich-schneider/> (Ex. Q at 1).

69. Emma Charles is another former Aristocrat employee who, until being terminated in October 2024, worked for L&W. Ms. Charles was a senior game designer at Aristocrat from around December 2008 to October 2012, and from October 2012 to July 2017, she worked on secondment to High Roller Gaming Pty Ltd. (“HRG”)—which develops games exclusively for Aristocrat, including Lightning Link and Dragon Link.²⁹ While at Aristocrat and HRG, Ms. Charles worked extensively on Lightning Link and Dragon Link and thus had unfettered access to, and was knowledgeable about, highly confidential information relating to these games, including details of the underlying math and functionality. Ms. Charles has firsthand knowledge of Lightning Link and Dragon Link’s success and the features responsible for that success.

70. Ms. Charles’s employment agreement with Aristocrat includes standard confidentiality obligations, including obligations, during her employment and thereafter, not to (a) disclose Aristocrat’s confidential information, or (b) use or facilitate, or allow others to use, Aristocrat’s confidential information.

71. Another former Aristocrat employee, Lloyd Sefton, worked for L&W until recently as an artist. Mr. Sefton was previously employed by Aristocrat for around 15 years, from around May 2001 to February 2016. Mr. Sefton was initially a Graphics Designer/Illustrator, and then became a Lead Artist. During that time, he had access to highly confidential information relating to Lightning Link and other Aristocrat games. Under Mr. Sefton’s employment contract with Aristocrat, he was subject to the same restraint as Ms. Charles prohibiting disclosure or use of Aristocrat’s confidential information following his employment.

72. In addition to the individuals identified above, Dinh Toan Tran worked for Aristocrat as a game designer since 2008. Under Mr. Tran’s employment contract with Aristocrat, he was subject to the same restraint as Ms. Charles and Mr. Sefton prohibiting disclosure or use of Aristocrat’s confidential information following his employment. Mr. Tran resigned from Aristocrat at the end of 2023 and notified Aristocrat that he would be joining L&W. Before leaving

²⁹ Aristocrat is the owner of all IP in the games created by HRG, including Lightning Link and Dragon Link.

1 Aristocrat, Mr. Tran allegedly downloaded to a personal device, without authorization, an
 2 extensive cache of Aristocrat trade secrets and proprietary information, including over **6,800** files.
 3 Aristocrat is currently pursuing legal recourse against Mr. Tran in Australia, and a court has
 4 ordered the seizure and inspection of his devices.³⁰

5 **1. *Dragon Unleashed Link***

6 73. L&W's improper efforts to capitalize on Dragon Link's success hit the
 7 market in March 2022, when L&W unveiled a game it called DRAGON UNLEASHED LINK at
 8 the annual Australasian Hospitality and Gaming Expo, a premier showcase for the gaming
 9 industry. The game was a repurposed version of a previously deployed L&W game called
 10 DRAGON UNLEASHED, with the addition of the word LINK at the end of the title giving it a
 11 confusingly similar title to Aristocrat's Dragon Link game. Aristocrat promptly contacted L&W
 12 objecting to the infringement of Aristocrat's DRAGON LINK trademark due to the obvious
 13 similarity between the two games' prominent use of both DRAGON and LINK in their titles, and
 14 demanding that L&W cease use of the name DRAGON UNLEASHED LINK. But the copying
 15 did not stop there.

16 **2. *Jewel of the Dragon***

17 74. After its initial attempt to copy Dragon Link's name, L&W then decided to
 18 copy (among other things) Dragon Link's distinctive audiovisual and trade dress elements.

19 75. In or around June 2021, around the time that Ms. Charles and Mr. Schneider
 20 joined the company, L&W began designing and developing a new slot machine game called Jewel
 21 of the Dragon. On information and belief, L&W's Studio Heads UP design team, which is based
 22 in Las Vegas and led by Christopher Guerrero, was primarily responsible for developing the game.
 23 This game was an extensive redesign of an older L&W slot machine game also called Jewel of the
 24
 25

26 ³⁰ See Sarah Danckert, *Pokies Giant Gets Orders Against Senior Staffer Who Allegedly*
 27 *Downloaded Cache of Company Documents*, THE SYDNEY MORNING HERALD (Jan. 11, 2024),
 28 <https://www.smh.com.au/business/companies/pokies-giant-gets-orders-against-senior-staffer-who-allegedly-downloaded-cache-of-company-documents-20240111-p5ewho.html> (Ex. R 1–3).

1 Dragon. The new game bore little resemblance to the old Jewel of the Dragon game and instead
2 copied heavily from Aristocrat's Dragon Link game.

3 76. On information and belief, L&W's development of Jewel of the Dragon
4 continued from June 2021 until the game was approved for release in the United States in 2022.

5 77. Much like Dragon Link, Jewel of the Dragon is a game series that appears
6 on EGMs with linked progressive jackpots and that offers multiple game themes under the name
7 JEWEL OF THE DRAGON (A Thousand Warriors, Valley of the Tiger, Red Phoenix, and
8 Prosperity Tortoise). Unless otherwise noted, on information and belief, the elements that L&W
9 copied from Dragon Link, as described herein, are present in all four of these game titles, as
10 originally developed and released by L&W. On information and belief, a digital version of Jewel
11 of the Dragon has been offered, promoted, or displayed in substantially the same form through
12 Defendant SciPlay, Inc.'s Jackpot Party mobile app and/or website.

13 78. Jewel of the Dragon uses a logo (the "Jewel of the Dragon Standard Logo")
14 consisting of the words JEWEL OF THE DRAGON written in all capital letters, in a red-to-black
15 fade, with the word DRAGON far larger and more prominent than the other words. The words
16 are superimposed on a gold orb, including a bright, fiery outline around the orb's circumference.
17 The orb is ringed with flames, and the entire logo appears on a rectangular landscape cabinet topper
18 lit with a bright red border. Many striking similarities between L&W's Jewel of the Dragon
19 Standard Logo and Aristocrat's Dragon Link Standard Logo may be seen below:



Aristocrat's Dragon Link



L&W's Jewel of the Dragon

79. These similarities include the words “Dragon” written in red-to-black fade text coloring, central placement of the words on a gold orb with a bright, fiery outline, and a lit, bright red border around the landscape topper.

80. The two games’ logos even include similar detailing resembling dragon scales:



Aristocrat's Dragon Link



L&W's Jewel of the Dragon

81. The large, prominent presentation of the word DRAGON in the Jewel of the Dragon Standard Logo is particularly noteworthy given that dragons do not appear in or play any significant role in the Jewel of the Dragon game.

82. Also much like Dragon Link, Jewel of the Dragon features a display showing the game’s jackpots and bonuses (the “Jewel of the Dragon Jackpot Display”) and including the following features (compared side-by-side further below to Aristocrat’s Dragon Link Jackpot Display):

- A Jewel of the Dragon logo in a red-to-black fade, with the word DRAGON far larger and more prominent than the other words in the logo.
- A tiered list of gaming jackpots and bonuses, which appears below the Jewel of the Dragon logo.
- The top list level is outlined on each side by the same gold orb with a bright, fiery outline that appears on the cabinet topper, and the other list levels are outlined by similar glowing orbs, with the words GRAND, MAJOR, MINOR, and MINI (for jackpot sizes).
- The prize amounts of each jackpot appear in the same color as their corresponding jackpot title (for example, the word GRAND for the grand jackpot is red, so the prize for the grand jackpot is also in red).
- Each jackpot prize amount appears against a black background.
- All of the foregoing elements are set in front of a background that fades to black at the top of the display where the Jewel of the Dragon logo appears.

83. The Jewel of the Dragon Jackpot Display (below left) is strikingly similar to the Dragon Link Jackpot Display (below right). These similarities include a tiered list of gaming jackpots and bonuses appearing below the game name, each list level being surrounded by glowing, animated gold orbs with bright, fiery outlines, the same words for each jackpot/bonus (GRAND, MAJOR, MINOR, and MINI), each jackpot/bonus appearing in a different color, three of the four colors, including the most prominent (*i.e.*, the GRAND jackpot), being identical, and each jackpot/bonus amount appearing on a black background, outlined in gold. The foregoing elements are set in front of a background that fades to black at the top of the display where game logos appear.



Aristocrat's Dragon Link



L&W's Jewel of the Dragon

84. Jewel of the Dragon offers a “Hold & Spin” bonus feature that incorporates several features highly similar to the Dragon Link Hold & Spin Bonus Feature, including the Dragon Link Hold & Spin Design that customers associate with Aristocrat’s games. Like Dragon Link, the upper display contains a large gold orb with a bright, fiery outline that says “HOLD & SPIN” when the feature is first activated, and then, when the bonus game is in progress, includes a count of the bonus symbols collected. The lower display contains reels on which the bonuses (either credit values or one of the four jackpots/bonuses) appear inside gold orbs with bright, fiery outlines, just like Dragon Link. Each time a bonus symbol appears on the reels, a drum sounds and a flame flares around the bonus symbol on the lower display and around the gold orb on the upper display. Also like Dragon Link, a dark gradient appears over the positions in the reels that do not contain bonus symbols. Below are images of the Jewel of the Dragon “Hold & Spin” bonus feature when first activated (left) and when in progress (right).



85. As in the Dragon Link Hold & Spin Design, at the end of the Jewel of the Dragon “Hold & Spin” bonus feature, a flame flares out of each bonus symbol and flies in a curved trajectory towards a meter on the upper display that keeps track of the total credits won, activating a gong sound when the flame hits the meter. After all the bonus awards have been tallied, the Coin Shower animation is displayed. The image below left shows the flame flare effect when bonus

symbols are tallied, while the image below right shows the Coin Shower at the bonus game's conclusion.



86. The similarities between Jewel of the Dragon's Hold & Spin bonus feature and the Dragon Link Hold & Spin Bonus Feature (including the Dragon Link Hold & Spin Design) are readily apparent when viewing images of each side-by-side, including but not limited to those listed below (Jewel of the Dragon on the left and Dragon Link on the right):

- Both games feature a large gold orb with a bright, fiery outline over a red and black background, superimposed with the words HOLD & SPIN.
- Above the orb, rectangular meter boxes with gold orbs at the sides with bright, fiery outlines, and labels appearing in the circles where the color of the label matches the color of the jackpot amount (including identical jackpot labels and three of the four same colors). The meter boxes have gold borders, and the jackpot amounts are outlined in gold.
- Below the orb, a 3 x 5 grid of boxes with gold borders.



- During the game, the gold orb changes to a symbol counter, with a large numeral showing the number of bonus symbols that have appeared on the reels, directly above the word COLLECTED and text indicating that 15 symbols result in the GRAND JACKPOT, where GRAND appears in red and JACKPOT appears in yellow.
- The bonus game features gold bonus symbols with bright, fiery outlines displaying numerical values or jackpot/bonus names, surrounded by a ring of fire. A dark gradient appears over the reel positions that do not contain bonus symbols.
- A small rectangular box with gold borders that overlays the top edge of the grid and indicates the number of FREE SPINS REMAINING, which appears in yellow.



- Reddish-gold fire bolts that arc off of the gold bonus symbols and up to a total win box, where they explode to the sound of a gong as the score accumulates. The word WINNER appears in all caps directly above the win box, which is surrounded by light.



- A Coin Shower at the conclusion of the feature.



87. Another similarity appears in the Red Phoenix version of the Jewel of the Dragon game, which prominently features a dark-haired woman in an ornate headdress facing the viewer. This woman appears just below the Jewel of the Dragon Jackpot Display. Rather than connecting to the game's phoenix theme, this artwork appears designed to resemble the equivalent

artwork in the Autumn Moon version of Dragon Link, which also features a dark-haired woman in an ornate headdress facing the viewer. See Dragon Link Autumn Moon, below left, and Jewel of the Dragon Red Phoenix, below right.



88. Jewel of the Dragon’s audiovisual elements are substantially similar to the Dragon Link Audiovisual Elements and copy protectable expression of Aristocrat in those elements.

89. Beyond those similarities discussed above, other striking similarities between the audiovisual elements of Jewel of the Dragon and Dragon Link include:

- a. similar graphics during the games’ bonus features, *e.g.*, the large gold orb with bright, fiery outline graphic at the top of the screen; the yellow flaming graphics that flank the large gold orb; the gold orbs with bright, fiery outlines on which bonus amounts appear; the flame graphics that spin around the gold orbs; the synchronization between all the spinning flames on the screen at the same time; the audiovisual representation of a flaming “explosion” when gold orb bonuses appear

on the reels; the flame graphics that burst out of the gold orbs on the reels when the jackpots are tallied and curve around the screen until they collide with and appear to ignite the box containing the total jackpot amount; the flame graphics that surround the total jackpot amount; and the Coin Shower animation upon completion of the “Hold & Spin” bonus feature;

- b. similar sounds during the games’ bonus features, *e.g.*, music that plays in the background; the “push” sound that plays when reels are spun; and the gong, firework, and other sounds that play when jackpot amounts are totaled; and
- c. similar reel artwork during the base game play, *e.g.*, the use of gold orbs as bonus symbols; various reel symbol graphics that spin or increase in size when activated; royal symbols; and flora and fauna symbols.

90. The audiovisual elements that L&W copied from Dragon Link constitute protectable expression of Aristocrat. They reflect original, creative, and expressive choices that were made in designing and developing Dragon Link. The design choices available to L&W in creating a slot machine game, including one that has similar game mechanics as Dragon Link (*e.g.*, a hold-and-spin bonus), were virtually unlimited. L&W had no need to appropriate substantially the same audiovisual elements as Dragon Link. For example, a hold & spin game—even one having an Asian or dragon theme—does not require the use of gold orbs with bright, fiery outlines surrounded by rings of fire as bonus symbols, a large gold orb as a symbol counter, animated fire bolts that arc off of the bonus symbols and up to a total win box, and so on. These elements, along with the numerous other Dragon Link Audiovisual Elements that appear in Jewel of the Dragon, are protectable expression that L&W is not entitled to copy without Aristocrat’s permission.

91. L&W has publicly distributed copies of its Jewel of the Dragon game in the United States, and around the world, at least by (a) offering EGMs containing the game to casinos, and (b) offering mobile apps and/or websites, including Jackpot Party, that contain the game. In addition, L&W has promoted its Jewel of the Dragon games in the United States, and around the

1 world, through, among other channels, a publicly accessible website displaying images of the
2 game, including the Jewel of the Dragon Standard Logo and certain of the artwork shown above.³¹

3 92. L&W's use of the confusingly similar features described above also
4 infringes the Dragon Link Trade Dress, because they give the Jewel of the Dragon games a nearly
5 identical look and feel to the Dragon Link Trade Dress.

6 93. On information and belief, L&W intentionally seeks to confuse players and
7 to lead them to believe, incorrectly, that its Jewel of the Dragon games were developed by
8 Aristocrat, or are otherwise from or associated with or endorsed by Aristocrat, with the goal of
9 enticing players to play the Jewel of the Dragon games.

10 94. Confusion is particularly likely in the context of casinos and social gaming
11 apps, where players have ready access to a variety of games, often face low costs to play, and may
12 move quickly to and between games.

13 95. Indeed, L&W's plan to confuse customers appears to be working. A video
14 posted on YouTube by a channel devoted to slot machines questions whether Jewel of the Dragon
15 is a "New Dragon Link?" and observes that the Hold & Spin bonus feature is "just like Dragon
16 Link."³² Another video posted on YouTube by a different channel devoted to slot machines reports
17 about Jewel of the Dragon that "[I've] never played it before, [but] I'm pretty sure it's gonna be
18 just like a Dragon Link slot."³³

19 96. Moreover, to the extent such players have unsatisfactory experiences with
20 the Jewel of the Dragon games, it harms the reputation of Aristocrat and its Dragon Link games.

21 97. On information and belief, L&W has knowingly and for profit engaged in
22 this infringing use of the Aristocrat trade dress to attract players, knowing that players would
23
24

25 ³¹ See *Jewel of the Dragon - Red Phoenix*, LIGHT & WONDER GAMING (Ex. S at 1).

26 ³² See *New Dragon Link? Jewel of the Dragon and Release the Kraken HOT SLOT Bonuses*
27 *Yaamava' Casino*, YOUTUBE (Oct. 1, 2022), <https://www.youtube.com/watch?v=xOkbStkJ5Is>.

28 ³³ See *I TRIPLED MY Money On This New Jewel Of The Dragon Slot Machine In Las Vegas!!*,
YOUTUBE (Dec. 31, 2022), <https://www.youtube.com/watch?app=desktop&v=-CqupGMUF3w>.

1 wrongly believe that the games are associated or affiliated with, or sponsored or endorsed by,
2 Aristocrat.

3 98. The likelihood of confusion created by this intentional offering of nearly
4 identical goods with confusingly similar trade dress is even greater because L&W offers its Jewel
5 of the Dragon games through identical marketing channels in direct competition with the Dragon
6 Link games, such as through EGM placements in casinos, including casinos that also feature
7 Dragon Link, and in digital format for playing on the internet and on mobile applications.

8 99. On December 19, 2022, Aristocrat notified L&W by letter of L&W's
9 unauthorized use of Aristocrat's Dragon Link trade dress and copyrights in connection with Jewel
10 of the Dragon, and asked L&W to cease such use. The parties engaged in discussions over several
11 months, but no resolution was reached.

12 100. On information and belief, L&W's unauthorized use of the Dragon Link
13 Audiovisual Elements and the Dragon Link Trade Dress was continuing as of the date this action
14 was filed.

15 101. On information and belief, L&W used Aristocrat trade secrets relating to
16 the Dragon Link and/or Lightning Link mathematical design to develop Jewel of the Dragon. On
17 information and belief, L&W obtained these trade secrets from Ms. Charles or other former
18 Aristocrat employees, knowing or having reason to know that the trade secrets were subject to
19 confidentiality obligations owed to Aristocrat and had been acquired through improper means.

20 **3. *Dragon Train***

21 102. After copying the Dragon Link name and audiovisual and design elements,
22 as well as using confidential Dragon Link math information, L&W's next move was to create an
23 even closer copy of Dragon Link's signature game design elements and gameplay.

24 103. In August 2023, at the Australian Gaming Expo, L&W launched in
25 Australia a game called DRAGON TRAIN that was designed and developed by Emma Charles.
26 On information and belief, Dragon Train is an attempt to mimic many of the unique game
27 mechanics of Dragon Link, including the underlying math and functionality. Both Dragon Link
28 and Dragon Train feature Asian-inspired dragon themes, including by using a large red and gold

swirling dragon. Both games also use DRAGON as the first word of a two-word game name and contain a number of visual similarities. But the similarities between Dragon Link and Dragon Train go far beyond appearances. Both Dragon Link and Dragon Train are multi-denomination games, meaning players can bet different amounts of money. Both allow bets in the following denominations: 1 cent, 2 cents, 5 cents, 10 cents, \$1, and \$2. And both utilize a 3 x 5 reel grid (*i.e.*, five reels, each of which consist of three visible symbol positions).

104. Dragon Link and Dragon Train also have very similar symbol sets, including five royal symbols, four “picture” symbols, a scatter symbol, a wild symbol, and a “Hold & Spin” bonus symbol.

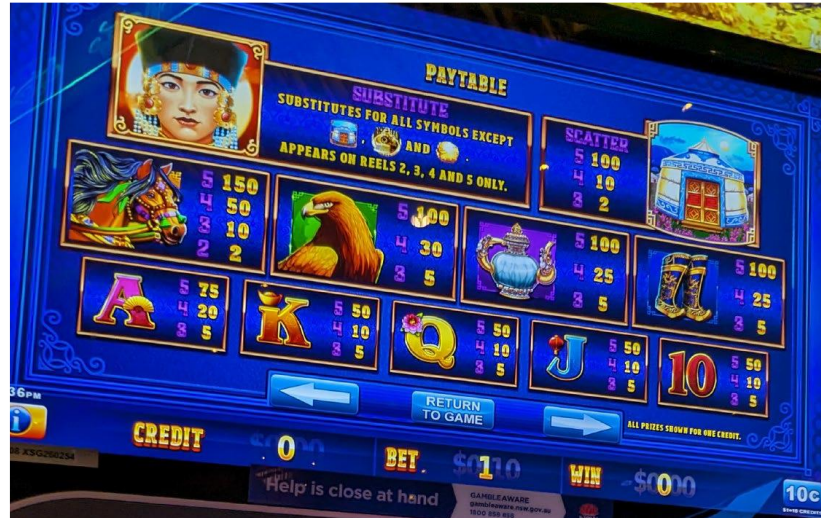
105. Video slot machine games typically feature a “pay table,” which provides an overview of payout amounts and win conditions for the various symbols that appear on the reels. The Dragon Link and Dragon Train pay tables are highly similar. For example, the images below show the pay tables for both games’ 10-cent bets.



The image shows the 'PAYTABLE' for the Dragon Link slot machine. It features a background of a traditional Chinese building. The table lists various symbols and their corresponding payouts for 10-cent bets. The symbols include a Scatter symbol (a red dragon), a Wild symbol (a golden Buddha), and various picture symbols (a bell, a green dragon, gold coins, a white lotus, and royal cards K, Q, J, 10, 9). The payouts are listed in a grid format, showing the number of symbols needed (3, 4, 5) and the corresponding payout amount.

Symbol	5	4	3
SCATTER (Red Dragon)	100	15	2
WILD (Golden Buddha)	100	30	5
BELL	150	50	10
GREEN DRAGON	100	30	5
GOLD COINS	100	25	5
WHITE LOTUS	100	25	5
K	75	20	5
Q	50	10	5
J	50	10	5
10	50	10	5
9	50	10	5

Dragon Link 10-cent pay table



The image shows a slot machine pay table for 'Dragon Train'. It features a blue background with various symbols and their corresponding payouts. The symbols include a woman's face, a dragon, a teapot, a crown, and playing cards. The payouts are listed in a grid format.

Symbol	5	4	3	2
Woman's Face	150	50	10	2
Dragon	100	30	5	-
Teapot	100	25	5	-
Crown	100	25	5	-
Card A	75	20	5	-
Card K	50	10	5	-
Card Q	50	10	5	-
Card J	50	10	5	-
Card 10	50	10	5	-
Scatter	100	10	2	-

Additional information on the screen includes: 'SUBSTITUTE' symbol (woman's face) which substitutes for all symbols except the scatter and appears on reels 2, 3, 4, and 5 only. 'RETURN TO GAME' button. 'CREDIT' display showing 0. 'BET' display showing \$1.00. 'WIN' display showing \$0.00. 'Help is close at hand' button. '10c' coin value indicator.

Dragon Train 10-cent pay table

106. Both of these pay tables feature the identical payout amounts and win conditions, with the sole exception being one small difference in the first bullet point below:

- i. A “scatter” symbol that pays out when it appears 5, 4, or 3 times. The amounts paid out are nearly identical: 5 symbols pay 100, 4 pay 15 (Dragon Link) or 10 (Dragon Train), and 3 pay 2.
- ii. Both feature a “substitute” (or wild) symbol that can appear on reels 2, 3, 4, and 5 only.
- iii. Both feature one picture symbol that pays out 150 when it appears 5 times, 50 when it appears 4 times, 10 when it appears 3 times, and 2 when it appears 2 times.
- iv. Both feature one picture symbol that pays out 100 when it appears 5 times, 30 when it appears 4 times, and 5 when it appears 3 times.
- v. Both feature two picture symbols that pay out 100 when they appear 5 times, 25 when they appear 4 times, and 5 when they appear 3 times.
- vi. Both feature one royal symbol that pays out 75 when it appears 5 times, 20 when it appears 4 times, and 5 when it appears 3 times.
- vii. Both feature four royal symbols that pay out 50 when they appear 5 times, 10 when they appear 4 times, and 5 when they appear 3 times.

107. As a further example, the images below show the pay tables for the games' \$1 bets.



The screenshot shows the 'PAYTABLE' for the Dragon Link game. It features a background of a traditional Chinese building. The table lists various symbols and their corresponding payouts for 5, 4, and 3 symbols. A 'SCATTER' symbol (a red pot) pays 100, 10, and 2 for 5, 4, and 3 symbols respectively. A 'SUBSTITUTE' symbol (a golden Buddha) can replace any other symbol except the scatter and appears on reels 2, 3, 4, and 5 only. The table also includes a 'PAYS IN ANY POSITION' note and a 'Press GAME RULES button for more information' instruction. The bottom status bar shows 'CREDIT \$10.28', 'BET \$0.00', 'WIN \$0.00', and a '\$1' bet indicator.

Symbol	5	4	3
SCATTER (Red Pot)	100	10	2
Substitute (Golden Buddha)	150	30	5
Bell	250	50	10
Green Dragon	150	30	5
Gold Coins	100	25	5
White Flower	100	25	5
K	75	20	5
Q	50	10	5
J	50	10	5
10	50	10	5
9	50	10	5

Dragon Link \$1 pay table



The screenshot shows the 'PAYTABLE' for the Dragon Train game. It features a background of a traditional Chinese building. The table lists various symbols and their corresponding payouts for 5, 4, and 3 symbols. A 'SUBSTITUTE' symbol (a golden Buddha) can replace any other symbol except the scatter and appears on reels 2, 3, 4, and 5 only. A 'SCATTER' symbol (a blue building) pays 100, 10, and 2 for 5, 4, and 3 symbols respectively. The table also includes a 'PAYS IN ANY POSITION' note and a 'Press GAME RULES button for more information' instruction. The bottom status bar shows 'CREDIT \$0.00', 'BET \$1.00', 'WIN \$0.00', and a '\$1' bet indicator.

Symbol	5	4	3
SCATTER (Blue Building)	100	10	2
Substitute (Golden Buddha)	150	30	5
Dragon	250	50	10
Eagle	150	30	5
Teapot	100	25	5
Gold Coins	100	25	5
A	75	20	5
K	50	10	5
Q	50	10	5
J	50	10	5
10	50	10	5

Dragon Train \$1 pay table

108. Both of these pay tables have identical payout amounts and win conditions, including:

- i. A “scatter” symbol that pays out when it appears 5, 4, or 3 times. The amounts paid out are identical: 5 symbols pay 100, 4 pay 10, and 3 pay 2.
- ii. Both feature a “substitute” (or wild) symbol that can appear on reels 2, 3, 4, and 5 only.

- 1 iii. Both feature one picture symbol that pays out 250 when it appears 5 times,
- 2 50 when it appears 4 times, 10 when it appears 3 times, and 3 when it
- 3 appears 2 times.
- 4 iv. Both feature one picture symbol that pays out 150 when it appears 5 times,
- 5 30 when it appears 4 times, 5 when it appears 3 times, and 2 when it appears
- 6 2 times.
- 7 v. Both feature two picture symbols that pay out 100 when they appear 5 times,
- 8 25 when they appear 4 times, 5 when they appear 3 times, and 2 when they
- 9 appear 2 times.
- 10 vi. Both feature one royal symbol that pays out 75 when it appears 5 times, 20
- 11 when it appears 4 times, and 5 when it appears 3 times.
- 12 vii. Both feature four royal symbols that pay out 50 when they appear 5 times,
- 13 10 when they appear 4 times, and 5 when they appear 3 times.

14 109. Like Dragon Link, Dragon Train features a “Hold & Spin” bonus feature.

15 The two games’ “Hold & Spin” features are functionally (and visually) similar, following nearly
 16 identical rules. In both games, six or more gold orb symbols trigger the “Hold & Spin” feature,
 17 which awards the player three free games. The orbs are held in place as the player enters the
 18 feature. Any additional orbs that appear during the feature are also held, and the number of spins
 19 resets to three each time a new orb lands on the reels. The orbs that appear on the reels display the
 20 bonus names and amounts, and a large gold orb in the upper display shows the number of orbs
 21 collected and the number of orbs required to win the Grand Jackpot (fifteen in both games). At
 22 the end of the feature, the value of each of the held orbs is counted, with an electrical bolt (in
 23 Dragon Train) or a flame (in Dragon Link) connecting each orb to a win meter that appears
 24 underneath the word “WINNER” in the upper display. In addition to the Grand Jackpot, there is
 25 an option to win a Major Jackpot, a Minor Bonus, and a Mini Bonus during the feature. In both
 26 games, if a player is playing a 1-cent, 2-cent, 5-cent or 10-cent denomination, the values on the
 27 orbs are displayed in credit prizes. If the player is playing a \$1 or \$2 denomination, the values on
 28 the orbs changes to dollar prizes.



Dragon Link Hold & Spin



Dragon Train Hold & Spin

110. In both games, a Coin Shower animation occurs with any win of 25 (or more) times the bet made during the base game, free games, or Hold & Spin feature. In both games the coin image is an ancient Chinese coin, with a square shaped hole and 4 Chinese characters. The similarities are evident from the images below:



Dragon Link Winner screen



Dragon Train Winner screen

111. Also like Dragon Link, Dragon Train includes a separate free games feature that is triggered when three or more scatter symbols appear on the reels.

112. Dragon Train also offers players a set of tiered jackpots or bonuses closely resembling those in Dragon Link, including a Grand Jackpot, Major Jackpot, Minor Bonus, and Mini Bonus, even featuring identical colors for three of the jackpots or bonuses. Both games have the same win conditions for the Grand and Major Jackpots.



Dragon Link attract screen



Dragon Train attract screen

113. In addition to the substantially similar symbol set, pay tables, game rules, and game features, including similar “Hold & Spin” and free games bonus features, Dragon Train is, on information and belief, an attempt to replicate Dragon Link’s underlying math and functionality that provides the game’s unique “feel.” As explained further above, the “feel” includes how players experience the underlying math of a game, such as the game’s volatility—*i.e.*, how often a game pays out prizes and the amounts of those prizes. Achieving the right feel is critical to a successful game, and is what attracts and retains player engagement above and beyond flashy visual elements. It results from the detailed, complex, and highly confidential math and functionality that govern the game’s outcomes.

114. The underlying math and functionality of a game, and the resulting feel of the game, distinguish video slot machine games from one another that otherwise share audiovisual elements, and is frequently the reason why some games are successful while other visually similar games are not. The success of Lightning Link and Dragon Link are due in part to their unique feel. There have been dozens of unsuccessful competitors that have offered “Hold & Spin” games, some

1 of which incorporate visually similar elements (including L&W’s Jewel of the Dragon), but failed
2 because they did not achieve a comparable feel.

3 115. Successful replication of the player experience and “feel” of a game,
4 especially one as complex as Dragon Link or Lightning Link, requires mimicry of many different
5 components of the game mechanics (*e.g.*, the composition of reel strips and symbols;
6 combinations, pathways, and probabilities for winning or triggering particular outcomes;
7 assignment of payouts per win; overall volatility; RTP; the methodology underlying the operation
8 of the base and bonus games) that turn on sophisticated underlying game math and functionality,
9 as further described above. Merely copying the public-facing aspects of a game would be unlikely
10 to produce a cohesive, functional game that could operate in the same way and provide the same
11 player experience as the original.

12 116. The complex and interrelated game mechanics underlying sophisticated
13 games like Dragon Link and Lightning Link are carefully designed, calibrated, and operationalized
14 to provide a seamless, attractive, and engaging player experience—including, for example, how
15 high-stakes a game appears to players, how exciting each player decision can be, how often a
16 player interacts with particular features or bonus games triggered on specific conditions, how
17 satisfying a player finds the frequency and amount of rewards, and how incentivized the player
18 feels to continue playing and coming back to the game time after time—that cannot plausibly be
19 reproduced by luck or accident.

20 117. Dragon Train appears to replicate the experience or “feel” of Aristocrat’s
21 Dragon Link and Lightning Link games to an unusual degree. As noted above, Dragon Train has
22 substantially similar functional elements, including the symbol sets, pay tables, game rules, and
23 bonus features, including the “Hold & Spin” and free games features. Further, the game appears
24 to have a highly similar mathematical implementation, resulting in similar gameplay experiences.
25 For example, Dragon Train appears to have similar volatility, and the Hold & Spin bonus symbols
26 seem to appear on the reels with similar frequency. Dragon Train also appears to implement the
27 Hold & Spin feature in a similar way as Dragon Link and Lightning Link. On information and
28 belief, and against the backdrop of L&W’s seriatim efforts to piggyback on the success of Dragon

1 Link, L&W could only have achieved this degree of similarity with Dragon Link's gameplay by
2 use of Aristocrat's trade secrets.

3 118. The many similarities between the games, including the copied feel, are no
4 surprise, given that, on information and belief, Dragon Train was the first game to be designed and
5 developed by a new L&W studio, Star Studio, that is led by former Aristocrat game designer Emma
6 Charles. As described *supra*, paragraph 65, Ms. Charles previously worked for Aristocrat for
7 many years, including working on both Dragon Link and its predecessor, Lightning Link. As part
8 of that work, Ms. Charles had access to the Lightning Link and Dragon Link mathematical models,
9 and worked extensively on Lightning Link's and Dragon Train's underlying mathematics and
10 technical specifications. Under Ms. Charles's employment contract with Aristocrat, she was
11 restrained from disclosing, or using, facilitating or allowing others to use, Aristocrat's trade
12 secrets, secret formulae, game designs and game specifications.

13 119. Also working as a member of the Star Studio team was Lloyd Sefton, who,
14 as described *supra*, paragraph 67, is a former Aristocrat artist who also worked on Lightning Link
15 and Dragon Link alongside Ms. Charles and had access to confidential information about these
16 games.

17 120. L&W employees who formerly worked for Aristocrat, including Ms.
18 Charles and/or Mr. Sefton, used Aristocrat's confidential information to develop games for L&W,
19 including Dragon Train, and for other purposes. The confidential Aristocrat information that has
20 been improperly taken and used for L&W's benefit includes information concerning the
21 underlying math and functionality of Lightning Link and Dragon Link (*e.g.*, pay tables,
22 combination/PAR sheets, reel strips, mathematical spreadsheets, game specifications, and
23 methodologies for the operation of the Hold & Spin bonus), as well as Aristocrat's confidential
24 commercial information. The initial development of Dragon Train involved acts occurring in the
25 United States, including the storage of design and development documents on U.S. servers,
26 supervision and approval of the game development by U.S. employees, and design and
27 development-related communications with U.S. employees.

1 121. This information has, moreover, been widely disseminated, distributed,
 2 made available, or otherwise disclosed to additional L&W employees, including employees in
 3 other game studios, who have also used Aristocrat’s confidential information in other game
 4 development efforts for L&W. On information and belief, these efforts span a number of L&W
 5 games, including without limitation Jewel of the Dragon and Double Dragon—the developers of
 6 which communicated with Ms. Charles during the development of the games. On information and
 7 belief, such communications were commonplace, with senior L&W management informing other
 8 game designers that Ms. Charles had worked on Dragon Link and/or Lightning Link and
 9 suggesting that they consult with her about their games. L&W has also used Aristocrat confidential
 10 information to develop at least one unreleased game.

11 122. In addition, confidential Aristocrat information is contained or reflected in
 12 numerous L&W documents that have been distributed or accessible to employees across L&W.
 13 Many of these documents contain no indication that they include confidential Aristocrat
 14 information, thereby increasing the risk of further dissemination and misuse.

15 123. On information and belief, when L&W hired Ms. Charles, it knew that she
 16 had been working with the highly confidential math for Lightning Link and Dragon Link. In fact,
 17 as noted above, L&W has used this as a major selling point to promote her “inaugural product” for
 18 L&W, Dragon Train. At a 2023 investor presentation,³⁴ Siobhan Lane, L&W’s CEO of Gaming,
 19 introduced Ms. Charles as follows (emphasis added):

20 **Emma Charles worked with Scott Olive on the Lightning Link**
 21 **product for many years** and she made the decision to join the Light
 22 & Wonder team and start to run her own studio, Star Studio, out of
 23 Australia. And we’re proud that Emma just this week in Australia
 launched her inaugural product under the Light & Wonder brand,
 Dragon Train, you’ll see it at the Star Casino on the floor today.

24 124. On information and belief, L&W was aware of and complicit in any use of
 25 Aristocrat’s confidential information by former Aristocrat employees, including Ms. Charles and
 26 Mr. Sefton.

27
 28 ³⁴ Accessible at <https://vimeo.com/855246637/748525a3d0#t=0m0s>, at 27:55.

1 125. In September 2023, Aristocrat’s Australian counsel initiated discussions
2 with L&W in which Aristocrat shared its concerns about the misappropriation of its trade secrets
3 in connection with Dragon Train. Aristocrat requested that L&W produce documents about the
4 design and development of Dragon Train. L&W provided some of the documents requested by
5 Aristocrat to Aristocrat’s Australian counsel. Among the documents that L&W produced are files
6 referring to “Aristocrat,” “Dragon Link,” and/or “Lightning Link.” L&W, however, refused to
7 provide other key documents, including math documents, reel strip layouts, weighting tables, and
8 source code.

9 126. Given L&W’s refusal to provide this key information, and based on the
10 documents L&W did produce, in December 2023, Aristocrat filed a preliminary discovery
11 proceeding in the Federal Court of Australia to seek further information from L&W.

12 127. L&W unveiled this game to the U.S. market at the October 2023 Global
13 Gaming Expo (“G2E”) in Las Vegas, but L&W had not launched the game in the United States at
14 that time.

15 128. In January 2024, Aristocrat’s U.S. counsel initiated discussions with L&W
16 in which Aristocrat shared its concerns about Dragon Train’s upcoming launch in the United
17 States, again pointing to the apparent misappropriation of Aristocrat’s trade secrets. Aristocrat
18 requested the same documents sought by Aristocrat’s Australian counsel, including the documents
19 L&W already shared with Aristocrat’s Australian counsel pursuant to confidentiality undertakings.
20 L&W rejected Aristocrat’s requests and would not even give Aristocrat’s U.S. counsel access to
21 the materials L&W already turned over to Aristocrat’s Australian counsel.

22 129. In the pre-suit correspondence, L&W did not agree to delay launch of
23 Dragon Train in the U.S., and L&W did not deny that the launch of the game was imminent.

24 130. After Aristocrat filed this action in February 2024, L&W proceeded to
25 launch Dragon Train in the U.S. and continued to aggressively commercialize the game even as
26 discovery revealed evidence of L&W’s misappropriation. Even after the Court preliminarily
27 enjoined commercialization of the original Dragon Train game, L&W has continued to knowingly
28 reap the benefits of its misappropriation, including by developing replacement, follow-on, or other

new versions of Dragon Train games, such as Dragon Train Grand Central, that seek to capitalize on the brand recognition, goodwill, and reputational benefits that L&W improperly acquired via the original. The following are images for the Dragon Train Grand Central game taken from L&W's 88 Fortunes and Quick Hits Slots apps:



131. Following Aristocrat's September 2023 correspondence, the filing of the preliminary discovery proceeding in Australia, and the filing of the present action, L&W repeatedly and falsely denied having acquired or used Aristocrat information relating to the Dragon

1 Link mathematical design, despite possessing substantial evidence that contradicted these denials.
2 On information and belief, L&W either knew about the evidence of misappropriation or failed to
3 conduct a reasonable investigation, which would have led L&W to discover this evidence. L&W
4 maintained its false denials until the Court entered a preliminary injunction, after which L&W
5 admitted that it had used Aristocrat math information to develop Dragon Train after all. L&W
6 then terminated Emma Charles, and at least one other game designer, for cause and withdrew their
7 declarations as not “fully truthful.” ECF No. 170 at 2.

8 132. The extensive use and proliferation of confidential Aristocrat information
9 across L&W is, on information and belief, the direct result of L&W encouraging, facilitating,
10 and/or failing to guard against the dissemination and use of Aristocrat confidential math
11 information. In the face of substantial evidence of misappropriation, L&W did not simply fail to
12 take any steps to stop the misappropriation, but dramatically expanded the scope of the
13 misappropriation through an aggressive product development and commercialization strategy,
14 until the Court ordered L&W to cease its misconduct.

15 **COUNT I**
16 **TRADE SECRET MISAPPROPRIATION IN VIOLATION OF 18 U.S.C. § 1836**

17 133. Aristocrat re-alleges and incorporates by reference all preceding
18 paragraphs.

19 134. As described further above, Aristocrat owned and owns valuable trade
20 secrets in the game mechanics of the Dragon Link and Lightning Link game series, including
21 without limitation the underlying game math and functionality that control the gameplay and the
22 timing, frequency, and amount of payouts in both the base game and bonuses (*e.g.*, the “Hold &
23 Spin” bonus feature).

24 135. Dragon Link’s and Lightning Link’s underlying game math and
25 functionality are not generally known to the public or in the industry. This information is
26 particularly complex (compared to other games), is highly unique and innovative, and cannot be
27 ascertained through proper means, including through reverse engineering by observing the public
28 game features or by playing the games themselves.

1 136. Dragon Link’s and Lightning Link’s underlying game math and
2 functionality derive independent economic value from their secrecy insofar as they make up the
3 games’ signature gameplay and “feel” and are integral to the continued commercial success and
4 competitive advantage of the games, which Aristocrat’s competitors—including L&W—have
5 repeatedly tried and failed to replicate.

6 137. Aristocrat accordingly keeps this information highly confidential and
7 subject to reasonable measures to protect its secrecy, including through internal practices, policies,
8 and procedures; written agreements prohibiting the unauthorized disclosure or use of such
9 information; regular employee training; physical and technical security measures; and, where
10 necessary, legal action to enforce Aristocrat’s intellectual property rights throughout the world.

11 138. L&W has acquired through improper means one or more of Aristocrat’s
12 trade secrets embodied in the Dragon Link and Lightning Link games, including insofar as L&W
13 knew or had reason to know that it had received the information from persons, including but not
14 limited to Ms. Charles and/or Mr. Sefton, who owed a duty to Aristocrat to maintain the secrecy
15 of the information, to not disclose the information, and to not use it for the benefit of others.

16 139. As described above, L&W has used without authorization one or more of
17 Aristocrat’s trade secrets in L&W’s own game development efforts, including to develop L&W’s
18 Dragon Train and Jewel of the Dragon games (which L&W intentionally designed to copy and
19 compete with Aristocrat’s Dragon Link and Lightning Link games) as well as other L&W games.
20 At the time of the use, L&W knew or had reason to know that it had derived the information from
21 persons, including but not limited to Ms. Charles and/or Mr. Sefton, who owed a duty to Aristocrat
22 to maintain the secrecy of the information, to not disclose the information, and to not use it for the
23 benefit of others.

24 140. Moreover, because L&W employees, including Ms. Charles, who
25 misappropriated Aristocrat’s trade secrets did so within the scope of their employment for L&W,
26 for L&W’s benefit, and/or while under L&W’s direction and control, L&W is at minimum
27 vicariously liable for their foreseeable misappropriation.
28

1 141. As described above, L&W committed domestic acts of misappropriation,
2 and domestic acts in furtherance of misappropriation, by acquiring, disclosing, and/or using one
3 or more of Aristocrat's trade secrets, including through L&W's development, promotion, and
4 distribution of games in the United States. L&W's actions in misappropriating Aristocrat's trade
5 secrets, however, were not limited to the United States, including because L&W also acquired,
6 disclosed, and used Aristocrat's trade secrets outside of the United States in connection with its
7 game development and commercialization efforts.

8 142. On information and belief, as described above, absent this misappropriation
9 of Aristocrat's trade secrets, L&W could not have replicated the signature gameplay and "feel" of
10 Dragon Link and Lightning Link to the degree it did in Dragon Train. Moreover, absent
11 misappropriation of Aristocrat's trade secrets, L&W would have had to invest substantially more
12 time, effort, and resources to develop even a pale imitation of these games—as other Aristocrat
13 competitors and L&W itself had previously done.

14 143. As described above, L&W's misappropriation of Aristocrat's trade secrets
15 has been willful, malicious, and part of a sustained and systematic effort to rip off the signature
16 elements—and free-ride on the commercial success—of Aristocrat's Dragon Link games.

17 144. As a direct and proximate result of L&W's misappropriation, Aristocrat has
18 suffered—and, absent prompt injunctive relief, will continue to suffer—injury in the form of lost
19 money and market share as a result of direct competition from L&W games; lost goodwill and
20 brand reputation as a result of customers, players, media, and industry experts comparing Dragon
21 Link to L&W games; lost time and resources expended in trying to put a stop to L&W's blatant
22 plagiarism; and a significant risk of further unauthorized dissemination of Aristocrat's trade secrets
23 both within and outside of L&W.

24 145. Aristocrat will also suffer harm—and L&W will unjustly benefit—from
25 L&W's commercialization of successor or replacement Dragon Train games notwithstanding the
26 Court's preliminary injunction. This harm to Aristocrat and the unjust benefit to L&W are a direct
27 and proximate result of L&W's misappropriation in connection with the original Dragon Train
28 game.

COUNT II
COPYRIGHT INFRINGEMENT UNDER 17 U.S.C. § 501

146. Aristocrat re-alleges and incorporates by reference all preceding paragraphs.

147. Aristocrat is the owner of the copyright in the Dragon Link Audiovisual Elements.

148. This copyrighted work is not a United States work within the meaning of Section 101 of the Copyright Act, 17 U.S.C. § 101, and thus is not subject to the registration requirement of Section 411(a). Aristocrat has registered copyrights in at least certain Dragon Link Audiovisual Elements (*e.g.*, Reg. Nos. PA 2-422-266, PA 2-424-274, VA 2-369-827, VA 2-372-588, VA 2-372-489, VA 2-372-589). *See* Ex. A.

149. On information and belief, during the development of Jewel of the Dragon, L&W had access to, and copied, the Dragon Link Audiovisual Elements.

150. Jewel of the Dragon contains audiovisual elements (including artwork, sounds, and animations) that are substantially and strikingly similar to, and copy protectable expression from, the Dragon Link Audiovisual Elements.

151. L&W reproduced, publicly distributed, publicly performed, and publicly displayed these copied audiovisual elements in the United States and elsewhere in the course of developing, promoting, offering, and selling or leasing Jewel of the Dragon, without Aristocrat's authorization.

152. L&W's conduct infringes upon Aristocrat's exclusive rights granted by Section 106 of the Copyright Act, 17 U.S.C. § 106, to reproduce, prepare derivative works of, publicly display, publicly perform, and distribute its copyrighted works to the public.

153. L&W's conduct constitutes copyright infringement under Section 501 of the Copyright Act, 17 U.S.C. § 501. Dragon Link includes a copyright notice in screens viewable to all players. Because L&W knew its conduct infringed Aristocrat's copyright, or alternatively L&W acted with reckless disregard for or willful blindness to Aristocrat's rights, L&W's infringement is willful under Section 504 of the Copyright Act, 17 U.S.C. § 504.

161. Aristocrat is entitled to recover L&W's profits, any damages sustained by Aristocrat, three times the greater of such profits or damages, and the costs of this action, including attorneys' fees and prejudgment interest. *See* 15 U.S.C. § 1117.

162. L&W's willful and intentional acts of unfair competition, false designation of origin, and false description have caused and will continue to cause irreparable injury and damage to Aristocrat's business, and to its accumulated customer goodwill and reputation. This damage cannot be quantified and, if allowed to continue, will leave Aristocrat with no adequate remedy at law. Aristocrat is entitled to preliminary and permanent injunctive relief to prevent further acts of unfair competition, false designation of origin, and false description, and to any other relief the Court deems appropriate, pursuant to 15 U.S.C. § 1116 and due to the irreparable injury to Aristocrat resulting from L&W's acts.

COUNT IV
TRADE SECRET MISAPPROPRIATION IN VIOLATION OF NEV. REV.
STAT. § 600A.030

163. Aristocrat re-alleges and incorporates by reference all preceding paragraphs.

164. As described further above, Aristocrat owned and owns valuable trade secrets in the game mechanics of the Dragon Link and Lightning Link game series, including without limitation the underlying game math and functionality that control the gameplay and the timing, frequency, and amount of payouts in both the base game and bonuses (*e.g.*, the “Hold & Spin” bonus feature).

165. Dragon Link's and Lightning Link's underlying game math and functionality are not generally known to the public or in the industry. This information is particularly complex (compared to other games), is highly unique and innovative, and cannot be ascertained through proper means, including through reverse engineering by observing the public game features or by playing the games themselves.

166. Dragon Link’s and Lightning Link’s underlying game math and functionality derive independent economic value from their secrecy insofar as they make up the games’ signature gameplay and “feel” and are integral to the continued commercial success and

1 competitive advantage of the games, which Aristocrat's competitors—including L&W—have
2 repeatedly tried and failed to replicate.

3 167. Aristocrat accordingly keeps this information highly confidential and
4 subject to reasonable measures to protect its secrecy, including through internal practices, policies,
5 and procedures; written agreements prohibiting the unauthorized disclosure or use of such
6 information; regular employee training; physical and technical security measures; and, where
7 necessary, legal action to enforce Aristocrat's intellectual property rights throughout the world.

8 168. L&W has acquired through improper means one or more of Aristocrat's
9 trade secrets embodied in the Dragon Link and Lightning Link games, including insofar as L&W
10 knew or had reason to know that it had received the information from persons, including but not
11 limited to Ms. Charles and/or Mr. Sefton, who owed a duty to Aristocrat to maintain the secrecy
12 of the information, to not disclose the information, and to not use it for the benefit of others.

13 169. As described above, L&W has used without authorization one or more of
14 Aristocrat's trade secrets in L&W's own game development efforts, including to develop L&W's
15 Dragon Train and Jewel of the Dragon games (which L&W intentionally designed to copy and
16 compete with Aristocrat's Dragon Link and Lightning Link games) as well as other L&W games.
17 At the time of the use, L&W knew or had reason to know that it had derived the information from
18 persons, including but not limited to Ms. Charles and/or Mr. Sefton, who owed a duty to Aristocrat
19 to maintain the secrecy of the information, to not disclose the information, and to not use it for the
20 benefit of others.

21 170. Moreover, because L&W employees, including Ms. Charles, who
22 misappropriated Aristocrat's trade secrets did so within the scope of their employment for L&W,
23 for L&W's benefit, and/or while under L&W's direction and control, L&W is at minimum
24 vicariously liable for their foreseeable misappropriation.

25 171. As described above, L&W committed domestic acts of misappropriation,
26 and domestic acts in furtherance of misappropriation, by acquiring, disclosing, and/or using one
27 or more of Aristocrat's trade secrets, including through L&W's development, promotion, and
28 distribution of games in the United States. L&W's actions in misappropriating Aristocrat's trade

1 secrets, however, were not limited to the United States, including because L&W also acquired,
2 disclosed, and used Aristocrat's trade secrets outside of the United States in connection with
3 L&W's game development and commercialization efforts.

4 172. On information and belief, as described above, absent this misappropriation
5 of Aristocrat's trade secrets, L&W could not have replicated the signature gameplay and "feel" of
6 Dragon Link and Lightning Link to the degree it did in Dragon Train. Moreover, absent
7 misappropriation of Aristocrat's trade secrets, L&W would have had to invest substantially more
8 time, effort, and resources to develop even a pale imitation of these games—as other Aristocrat
9 competitors and L&W itself had previously done.

10 173. As described above, L&W's misappropriation of Aristocrat's trade secrets
11 has been willful, wonton, reckless, and part of a sustained and systematic effort to rip off the
12 signature elements—and free-ride on the commercial success—of Aristocrat's Dragon Link
13 games.

14 174. As a direct and proximate result of L&W's misappropriation, Aristocrat has
15 suffered—and, absent prompt injunctive relief, will continue to suffer—injury in the form of lost
16 money and market share as a result of direct competition from L&W games; lost goodwill and
17 brand reputation as a result of customers, players, media, and industry experts comparing Dragon
18 Link to L&W games; lost time and resources expended in trying to put a stop to L&W's blatant
19 plagiarism; and a significant risk of further unauthorized dissemination of Aristocrat's trade secrets
20 both within and outside of L&W.

21 175. Aristocrat will also suffer harm—and L&W will unjustly benefit—from
22 L&W's commercialization of successor or replacement Dragon Train games notwithstanding the
23 Court's preliminary injunction. This harm to Aristocrat and the unjust benefit to L&W are a direct
24 and proximate result of L&W's misappropriation in connection with the original Dragon Train
25 game.

COUNT V
DECEPTIVE TRADE PRACTICES UNDER NEV. REV. STAT. §§ 41.600 & 598.0915

176. Aristocrat re-alleges and incorporates by reference all preceding paragraphs.

177. L&W knowingly made false representations as to the source, sponsorship, and/or approval of goods or services for sale or lease—namely, its Jewel of the Dragon game—in violation of Nevada Revised Statute § 598.0915(2).

178. As discussed above, L&W copied several distinctive and recognizable aspects of Dragon Link when it developed Jewel of the Dragon, including a logo that is confusingly similar to the Dragon Link Standard Logo, *see supra* ¶¶ 76–79; a jackpot display that is confusingly similar to the Dragon Link Jackpot Display, *see supra* ¶ 81; design elements in the Hold & Spin bonus that are confusingly similar to the Dragon Link Hold & Spin Design, *see supra* ¶¶ 82–84; and orb-like elements that are confusingly similar to the Dragon Link Orb Design, *see supra* ¶ 76 (orb in Jewel of the Dragon logo), ¶ 81 (orbs in Jewel of the Dragon jackpot display), ¶¶ 82–84 (orbs in Jewel of the Dragon Hold & Spin bonus feature), and ¶ 87 (orbs as reel bonus symbols in Jewel of the Dragon base game).

179. As discussed above, on information and belief, L&W’s development of Jewel of the Dragon began in or around June 2021 and continued until the game was approved for release in the United States. *See supra* ¶ 74. On information and belief, L&W’s Studio Heads UP design team, which is based in Las Vegas and led by Christopher Guerrero, developed the game. *See supra* ¶ 74. On information and belief, the copying of Dragon Link was carried out under the direction of senior L&W personnel, including Rich Schneider and/or Nathan Drane.

180. L&W’s copying of Dragon Link was intentional, deliberate, and for the purpose of misleading consumers or other customers as to the source, sponsorship, and/or approval of Jewel of the Dragon. As discussed above, at the time L&W developed Jewel of the Dragon, L&W was led by former Aristocrat executives who wanted to target Aristocrat’s market-leading Dragon Link game. *See supra* ¶¶ 63–70. L&W had also recently copied Dragon Link’s name, in connection with L&W’s Dragon Unleashed Link game. *See supra* ¶ 71. By copying Dragon Link

1 in connection with Jewel of the Dragon, L&W knowingly misrepresented the game as being made,
 2 sponsored, or approved by the same source as Aristocrat's Dragon Link game, leading customers
 3 to falsely believe that Jewel of the Dragon is associated or affiliated with Aristocrat and its Dragon
 4 Link game.

5 181. On information and belief, at least Defendant LNW Gaming, Inc.
 6 knowingly made these misrepresentations in the course of distributing its Jewel of the Dragon
 7 game for play by patrons of gaming establishments in the United States, beginning in 2022. On
 8 information and belief, at least Defendant Light & Wonder, Inc. knowingly made these
 9 misrepresentations in the course of advertising and promoting the game on L&W's website, in at
 10 least 2023.³⁵ On information and belief, at least Defendant SciPlay Corporation knowingly made
 11 misrepresentations in the course of making the game available for play online and/or through
 12 mobile apps, including Jackpot Party, in at least 2023.

13 182. As noted above, Aristocrat notified L&W of its claims against Jewel of the
 14 Dragon on December 19, 2022. *See supra* ¶ 97. After receiving this notice, L&W continued to
 15 misrepresent the source, sponsorship, and/or approval of Jewel of the Dragon, *see, e.g., supra* ¶ 98,
 16 thereby confirming L&W's knowledge of the falsity of its representations.

17 183. As the direct and proximate result of L&W's deceptive conduct, Aristocrat
 18 has suffered, and will continue to suffer, monetary damages and irreparable injury to its business,
 19 reputation and goodwill, including because players unjustly associate bad experiences with Jewel
 20 of the Dragon with Aristocrat and because L&W's deception improperly attracts customers who
 21 want to play Dragon Link.

22 **DEMAND FOR JURY TRIAL**

23 Aristocrat demands a trial by jury on all issues raised in this action that are so
 24 triable.

25 **RELIEF SOUGHT**

26 Aristocrat seeks the following relief:

27
 28 ³⁵ *See, e.g., supra* Ex. S.

1 1. That L&W be preliminarily and permanently enjoined from all trade secret
2 misappropriation, copyright infringement, false designation of origin, unfair competition, trade
3 dress infringement, and deceptive trade practices.

4 2. That L&W be ordered to refrain from any use or disclosure of Aristocrat's
5 trade secrets.

6 3. That L&W be required to sequester and destroy any Aristocrat trade secrets,
7 identify all individuals and entities to whom L&W has disclosed such trade secrets, and make best
8 efforts to recover all copies of such trade secrets so disclosed.

9 4. That L&W be required to deliver to Aristocrat any and all packaging, labels,
10 displays, advertising or other materials in L&W's possession, or under its control, that include or
11 infringe any of Aristocrat's copyrights or trade dress rights.

12 5. That L&W be required to give Aristocrat a complete list of parties to whom
13 it has sold, offered to sell, provided or offered to provide, directly or indirectly, any goods or
14 services that infringe Aristocrat's rights.

15 6. That L&W be directed to file with this Court, and serve upon Aristocrat
16 within thirty (30) days after the entry of an injunction, a written report under oath detailing the
17 manner and form in which L&W has complied with the injunction.

18 7. That Aristocrat recover all damages suffered from L&W's acts, including
19 any available punitive damages, federal or state statutory damages, or actual damages, and L&W's
20 profits.

21 8. That L&W be required to account for and disgorge any profits or other
22 monetary or tangible benefits received as a result of its misappropriation and infringement.

23 9. That any damages and profits be enhanced in accordance with 15 U.S.C. §
24 1117, 17 U.S.C. § 504, 18 U.S.C. § 1836, Nevada Revised Statute § 600A.050, and other
25 applicable federal and state law.

26 10. That Aristocrat recover pre-judgment and post-judgment interest.
27
28

1 11. That Aristocrat recover its reasonable attorney fees, costs and
2 disbursements in accordance with 15 U.S.C. § 1117, 17 U.S.C. § 505, 18 U.S.C. § 1836, Nevada
3 Revised Statutes §§ 41.600 and 600A.060, and other applicable federal and state law.

4 12. That Aristocrat recover such other relief as the Court deems just and proper.
5

6 March 14, 2025

Respectfully submitted,

7 /s/ Jason D. Smith

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